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May 7, 2013

Via ECF

Judge Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ogunmokun v. Rich Preisig/University Services, et al.*, No. 12-cv-4403 (RRM)(JO)

Dear Judge Mauskopf:

On April 26, 2013, *pro se* plaintiff Olasupo Ogunmokun submitted a Fourth Amended Complaint that purports to address the pleading deficiencies raised in defendant Pennsylvania Higher Education Assistance Agency d/b/a American Education Services' ("PHEAA") previous letters to the Court requesting the scheduling of a pre-motion conference in advance of a motion to dismiss. *See* Docket Entries 28, 51.

Plaintiff's most recent complaint differs is substance from the last only in that it includes citation to the specific sections of the Fair Credit Reporting Act ("FCRA") under which he purports to assert a claim against PHEAA. The fact remains, however, that the FCRA provides no private right of action in the circumstances Plaintiff has alleged, and Plaintiff has still not stated a claim upon which relief can be granted, whether under the FCRA or under common law.

For these reasons, and for those set forth in its previous letters, PHEAA respectfully requests permission to file a motion to dismiss Plaintiff's claims.

Respectfully,

Adam B. Michaels

cc: Olasupo Ogunmokun (via US Mail)
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